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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,146	05/08/2001	Bruce Plotnick	WGATE13	1272

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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/850,146

Applicant(s)

PLOTNICK ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-14, 16-23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14, 16-23 & 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-14, 16-23 & 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas, (U.S. Pat # 5,666,645), and Knudson, (U.S. Pat # 6,536,041), in view of Boyer, (U.S. Pat # 6,268,849).

Considering amended claim 1, the claimed information service distribution system comprising:

‘central server for receiving the information files from the provider storage medium, such that the central server has a plurality of storage locations’, is met by Thomas, main database 90 and ADC 10, which operate as a centralized database, col. 4, lines 1-8; col. 6, lines 1-40.

‘programming in the central server for periodically checking whether information files are present in any of the storage locations, and transferring any of the files to the local server’ is met by the discussion in Thomas, col. 6, lines 11-45; col. 11, lines 45-67, which teaches that the feed generation subsystem extracts EPG data from the main database 90, at least temporarily stores the EPG data in cache 720.

Regarding the feature of ‘periodically checking whether the provider has transferred any updated files to the provider storage medium and transferring any such updated files to the central server’, Thomas teaches that the ADC processor 120 determines additions, deletions and changes, col. 6, lines 12-25, which meets the claimed subject matter.

‘at least a first provider of information to be broadcast to viewers, such that the provider periodically generates one or more information files and stores them in a provider storage medium’, Thomas does not discuss in detail the operation of the sources 80, see Fig. 1. Nevertheless, the subject matter reads on the disclosure in Knudson of the real-time data sources 30, which at least includes real-time sports, news and stock market information to a main facility

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22, Fig. 1. As for the first provider of information having a storage medium, Knudson teaches that the real-time data sources 30 are used to gather information, which necessarily requires a storage medium, see col. 5, lines 50-66. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas with Knudson, at least for the desirable advantage of the source providing updated material to the EPG database.

‘provider server for periodically transmitting the information files in the provider storage medium to the central server’, reads on the operation of the real-time data sources 30, since Knudson discloses that the real-time data sources 30 transmits updated information to the main facility, which requires a periodic arrangement.

‘central server for receiving the information files from the provider storage medium, such that the central server has a plurality of storage locations’, also appears to read on the main facility 22, which includes a program guide database 24, see Fig. 1 of Knudson.

As for the additionally claimed feature, ‘programming in the central server for periodically checking whether information files are present in any of the storage locations, and transferring any of the files to the local server’, Knudson teaches that the main facility is enabled to detect real-time updates to its database, see col. 11, lines 40-67 thru col. 12, lines 1-67.

Regarding the feature of ‘periodically checking whether the provider has transferred any updated files to the provider storage medium and transferring any such updated files to the

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central server', again Knudson teaches that the database 24 is enabled to determine when update information is received so that it may be inserted in the proper EPG listing, see col. 13, lines 1-46; col. 14, lines 1-12; col. 17, lines 1-60.

'at least a first local server for receiving the files from the central server and sending the files from the central server and sending the files to a corresponding CATV headend in a TV distribution system' is met by the operation of the of the TVDF 26, which receives updated EPG from the main facility 22. As for the additional headend, Official Notice is taken that at the time the invention was made, it was well known to include additional TV distribution headends and sub-headends. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Thomas & Knudson with additional headend or sub-headends at least for the additional purpose of providing more localized input into the system.

As for the amended claimed feature of the files containing, 'a plurality of static screens of information, such that each screen includes information pertaining to an area of interest', Thomas does not discuss such a format. Nevertheless, Boyer teaches transmitting EPG data to subscriber(s) which includes web page, col. 3, lines 65-67; col. 5, lines 45-67. The EPG data in Boyer in the format of web pages reads on the claimed 'static screens'. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas with the feature of EPG data in the format of web pages, for the advantage of providing users with a wider range of resources, as taught by Boyer, see col. 5, lines 59-67.

Regarding the additional claimed feature of, 'the area of interest being selected from the group consisting of sports, weather, local communities', Boyer teaches the claimed subject matter, see Fig. 4-6; col. 4, lines 12-25; col. 4, lines 44-55;

Considering claims 3 & 10, Thomas discloses that the various servers may at least communicate using a satellite link, which meets the requirement. Also Knudson teaches that communication lines 38,42,44 & 50 may be cable, satellite, fiber, etc., see col. 5, lines 30-52.

Considering claim 4, Thomas meets the claimed subject matter, col. 6, lines 11-40.

Considering claims 5 & 11, Thomas teaches that the system may operate on a UNIX platform, (col. 14, lines 1-14) but does not discuss the particular programming language. Official Notice is taken that at the time the invention was, the use of various programming languages such as PERL, C, JAVA, etc. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas to use any number of computer languages, such as C for instance, which is particularly suited for the UNIX platform, in order to have highly automated and programmed system.

Considering claims 6 & 16-17, the claimed feature of an editor for facilitating the review and approval of the content of the files prior to being sent o the headend, the operation of the manual entry & correction subsystem 20 and edit generation subsystem 40, meets the requirement, see Fig. 1; Fig. 4; Fig. 5; col. 7, lines 21-65 thru col. 8, lines 1-67 & col. 9.

Regarding claim 17, the manual entry and corrections subsystem 20, makes sure that the EPG data is verified before transmission, see col. 8, lines 3-45.

Considering claims 7 & 12, Official Notice is taken that private network were well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate the combination of Thomas & Knudson with a private network to a headed, at least for the known advantages of increased network security.

Considering claims 8, 13 & 20, Thomas is directed to an EPG delivery system , which would necessarily at least include channels for news and sports, and reads on the claim language, see col. 5, lines 51-67. Moreover, see Boyer, col. 4, lines 20-65 & Fig. 4-7.

Considering claim 9, the claimed information service distribution system comprises elements that correspond with the subject matter recited in the above rejection of claim 1, and are likewise treated. As for the additionally claimed feature of an editor for facilitating the review and approval of the content of the files prior to being sent o the headend, the operation of the

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manual entry & correction subsystem 20 and edit generation subsystem 40, meets the requirement, see Fig. 1; Fig. 4; Fig. 5; col. 7, lines 21-65 thru col. 8, lines 1-67 & col. 9.

Considering claim 14, the claimed method for broadcasting information in a TV distribution system comprises steps that correspond with elements mentioned in the above rejection of claim 1, and are likewise treated.

Considering claims 18-19, regarding the format of the data files, Thomas only discusses that the files may be transmitted using MPEG 2, col. 11, lines 21-45. Nevertheless, Boyer teaches transmission of data files using JPEG and/or HTML col. 6, lines 1-22. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas to transmit data files using JPEG, as taught by Boyer at least for the known benefits of compression of still image images, and HTML for the desirable advantage of a more interactive user interface, for the customer.

Considering claims 21 & 25, the claimed method steps for broadcasting over a TV distribution system, comprises elements that correspond with subject matter mentioned above in claim 1, are likewise treated. As for the additional feature of HTML files, Boyer provides that claimed subject matter, see col. 5, lines 45-60; col. 6, lines 36-62; col. 7, lines 54-64.

As for the computer readable medium recited in claim 29, both Thomas & Boyer are directed to computerized system and thus meets the claimed subject matter.

Considering claims 22 & 26, Boyer teaches that system uses JPEG format, col. 6, lines 5-12.

Considering claims 23 & 27, the claimed subject matter reads on the update (dynamic) information in Boyer, col. 9, lines 28-65.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Wang EPG with HTML pages.

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Any response to this action should be mailed to:

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P.O. Box 1450
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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:


(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER